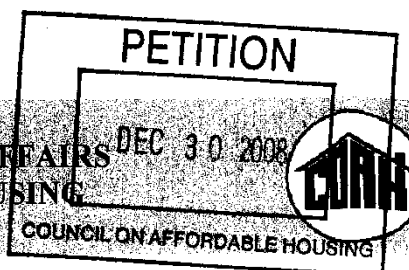




STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
COUNCIL ON AFFORDABLE HOUSING  
PETITION APPLICATION



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY BOROUGH OF LINCOLN PARK COUNTY MORRIS  
COAH REGION 2 PLANNING AREA(S) 1, 5  
SPECIAL RESOURCE AREA(S) NONE

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MUNICIPAL HOUSING LIAISON MARGE DEVRIES TITLE MHL  
EMAIL  PHONE NO. 973-696-6152  
ADDRESS 40 E. ROSS, BOROUGH OF LINCOLN PARK, 34 CHAPEL HILL RD., LINCOLN PARK, NJ 07035 FAX NO. 973-628-9512

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals

First Round

COAH JOC N/A

1985

Second Round

Technical Amendment to Second Round

6/3/98

Extended Second Round

2/4/03

2/9/05

Third Round #1 Submission/Petition

12/05

Does the Petition include any requests for a waiver from COAH Rules? ☒ Yes ☐ No

If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: SEE ATTACHED NARRATIVES AT END OF CHECKLIST.

N.J.A.C. 5:97-4.3 and 5:97-3.10.

# **FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)**

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): <input checked="" type="checkbox"/> Petitioning <input type="checkbox"/> Filing <input type="checkbox"/> Re-petitioning <input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) <sup>1</sup> Date of Last Amendment: <u>2/13/07</u> Date of Submission to COAH: <u>12/31/08</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: <u>1972?</u> Date of Submission to COAH: <u>12/31/08</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): <u>SEE HOUSING ELEMENT AND FAIR SHARE PLAN</u>

FOR OFFICE USE ONLY			
Date Received _____	Affidavit of Public Notice _____	Date Deemed _____	
Complete/Incomplete _____	Reviewer's Initials _____		

<sup>1</sup> Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

## HOUSING ELEMENT

(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by<sup>1</sup>:

- ☒ Age;
- ☒ Condition;
- ☒ Purchase or rental value;
- ☒ Occupancy characteristics; and
- ☒ Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

☒ Yes, Page Number: APP. A, ☐ No (incomplete)  
HPE

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to<sup>2</sup>:

- ☒ Population trends
- ☒ Household size and type
- ☒ Age characteristics
- ☒ Income level
- ☒ Employment status of residents

☒ Yes, Page Number: APP. B, ☐ No (incomplete)  
HPE

3. The plan provides an analysis of existing and future employment characteristics of the municipality, including but not limited to<sup>3</sup>:

- ☒ Most recently available in-place employment by industry sectors and number of persons employed;
- ☒ Most recently available employment trends; and
- ☒ Employment outlook

☒ Yes, Page Number: APP. C, ☐ No (incomplete)  
HPE AND P. 5-6, HPE

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.  
AND

The analysis covers the following:

- ☒ The availability of existing and planned infrastructure;
- ☒ The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- ☒ Anticipated land use patterns;
- ☒ Municipal economic development policies;
- ☒ Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- ☒ Existing or planned measures to address these constraints.

☒ Yes, Page Number: p. 16-17, ☐ No (incomplete)  
HPE

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

☒ Yes, Page Number: p. 15, ☐ No (incomplete)  
HPE

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

☒ Yes, Page Number: p. 5-8 ☐ No (go to 6a)  
APP. D, HPE

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes (go to 7 and 8) ☒ No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

☐ Yes, Page Number: \_\_\_\_\_ ☒ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- ☐ Number of units for which certificates of occupancy were issued since January 1, 2004;
- ☐ Pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- ☐ The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at [www.nj.gov/dca/coah/planningtools/gscalculators.shtml](http://www.nj.gov/dca/coah/planningtools/gscalculators.shtml))

- ☐ Yes, Page Number: \_\_\_\_\_
- ☐ No (incomplete)
- ☒ Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- ☐ Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- ☐ Square footage of pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- ☐ Demolition permits issued and projected for previously occupied non-residential space; and
- ☐ The worksheet for determining a higher non-residential growth projection provided by COAH.

- ☐ Yes, Page Number: \_\_\_\_\_ ☐ No (incomplete)
- ☒ Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- ☒ Rehabilitation share (from Appendix B); *p. 12, HPE*
- ☒ Prior round obligation (from Appendix C); and *p. 8-9, HPE*
- ☒ Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4. *p. 9-15, HPE*

☒ Yes, Page Number: P. 8-15, HPE ☐ No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

☐ Yes, Page Number: \_\_\_\_\_ ☐ No (incomplete) ☒ Not Applicable

Petition date: \_\_\_\_\_ Endorsement date: \_\_\_\_\_

<sup>1</sup> Information available through the U.S. Census Bureau at

[http://factfinder.census.gov/servlet/ACSSAFFHousing?sse=on&\\_submenuId=housing\\_0](http://factfinder.census.gov/servlet/ACSSAFFHousing?sse=on&_submenuId=housing_0)

<sup>2</sup> Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

<sup>3</sup> Information available through the New Jersey Department of labor at

<http://www.wnjp.in.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

## FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

### Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		Need
1	<input checked="" type="radio"/> Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) <b>OR</b>	<u>31</u>
2	<input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit <u>N/A</u> .)	<u>N.A.</u>
		Need
3	<input checked="" type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	<u>74 new const.</u>
	<input type="radio"/> Prior Round Adjustments:	
	<input type="radio"/> 20% Cap Adjustment	<u>N.A.</u>
	<input type="radio"/> 1000 Unit Cap Adjustment	<u>N.A.</u>
4	Total Prior Round Adjustments	<u>N.A.</u>
5	<b>Adjusted Prior Round Obligation:</b> (Number in Appendix C <b>minus</b> Total Prior Round Adjustment(s))	<u>74 new const.</u>
	<input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need)	<u>N.A.</u>
6	Realistic Development Potential(RDP) <sup>1</sup>	<u>N.A.</u>

<sup>1</sup> RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

## Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:

[www.nj.gov/dca/coah/planningtools/gscalculators.shtml](http://www.nj.gov/dca/coah/planningtools/gscalculators.shtml).

The applicable workbook has been completed and is attach to this application as <sup>APPENDIX</sup> ~~Exhibit~~ D TO HPE.

Line	<b><i>Required 2004-2018 COAH Projections and Resulting Projected Growth Share</i></b>			
	Household Growth (From Appendix F)	<u>279</u>	Employment Growth (From Appendix F)	<u>463</u>
	Household Growth After Exclusions (From Workbook A)	<u>279</u>	Employment Growth After Exclusions (From Workbook A)	<u>463</u>
	Residential Obligation (From Workbook A)	<u>56</u>	Non-Residential Obligation (From Workbook A)	<u>29</u>
7	Total 2004-2018 Growth Share Obligation			<u>85</u>
 <b><i>Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share</i></b>				
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____
8	Total 2004-2018 Projected Growth Share Obligation			<u>N.A.</u>
 <b><i>Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share</i></b>				
	Household Growth After Exclusions (From Workbook C)	_____	Employment Growth After Exclusions (From Workbook C)	_____
	Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____
9	Total 2004-2018 Growth Share Obligation			<u>N.A.</u>
10	<b>Total Fair Share Obligation</b> (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)			<u>190</u> (p 5, HPE)



## Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	Completed	Proposed	Total
<b>Rehabilitation Share</b>			<u>31</u>
Less: Rehabilitation Credits	6(+2?)		<u>6(+2?)</u>
Rehab Program(s)		<u>25</u>	
<b>Remaining Rehabilitation Share</b>			<u>25</u>
<b>Prior Round (1987-1999 New Construction) Obligation</b>			<u>74</u>
Less: Vacant Land Adjustment (If Applicable)			
(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):			<u>N.A.</u>
Unmet Need			<u>N.A.</u>
RDP	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
<b>Mechanisms addressing Prior Round</b>			
Prior Cycle Credits (1980 to 1986)		<u>N.A.</u>	<u>N.A.</u>
Credits without Controls	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Inclusionary Development/Redevelopment	<u>138</u>	<u>—</u>	<u>138</u>
100% Affordable Units	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Accessory Apartments	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Market-to-Affordable	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Supportive & Special Needs	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Assisted Living	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
RCA Units previously approved	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Other	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Prior Round Bonuses (RENTAL)	<u>18</u>	<u>—</u>	<u>18</u>
<b>Remaining Prior Round Obligation</b>	<u>64 EXCESS CREDITS</u>	<u>—</u>	<u>64 EXCESS CREDITS</u>
<b>Third Round Projected Growth Share Obligation</b>			
Less: Mechanisms addressing Growth Share			
Inclusionary Zoning	<u>—</u>	<u>21</u>	<u>21</u>
Redevelopment	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
100% Affordable Development	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Accessory Apartments	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Market-to-Affordable Units (4)	<u>—</u>	<u>11</u>	<u>11</u>
Supportive & Special Need Units	<u>10</u>	<u>—</u>	<u>10</u>
Assisted Living: post-1986 Units	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Other Credits	<u>64 EXCESS CREDITS</u>	<u>—</u>	<u>64 EXCESS CREDITS</u>
Compliance Bonuses	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Smart Growth Bonuses	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Redevelopment Bonuses	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
Rental Bonuses	<u>N.A.</u>	<u>N.A.</u>	<u>N.A.</u>
<b>Growth Share Total</b>	<u>74</u>	<u>32</u>	<u>106</u>
<b>Remaining (Obligation) or Surplus</b>	<u>74</u>	<u>32</u>	<u>106</u> (SURPLUS OF 21)

⊛ MODERATE/MARKET TO AFFORDABLE (TO MEET BAL. OF RENTAL AND VERY LOW INCOME OBLIGATIONS)

## PARAMETERS<sup>1</sup>

<u>Prior Round 1987-1999</u>			
RCA Maximum	<u>28</u>	RCAs Included	<u>0</u>
Age-Restricted Maximum	<u>18</u>	Age-Restricted Units Included	<u>17</u>
Rental Minimum	<u>19</u>	Rental Units Included	<u>78</u>

<u>Growth Share 1999-2018</u>			
Age-Restricted Maximum	<u>21</u>	Age-Restricted Units Included	<u>25</u>
Rental Minimum	<u>22</u>	Rental Units Included	<u>22</u>
Family Minimum	<u>43</u>	Family Units Included	<u>60</u>
Very Low-Income Minimum <sup>2</sup>	<u>5</u>	Very Low-Income Units Included	<u>5</u>

<sup>1</sup> Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

<sup>2</sup> Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

## Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at [www.nj.gov/dca/coah/planningtools/checklists.shtml](http://www.nj.gov/dca/coah/planningtools/checklists.shtml).

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u> )	Rental, Owner Occupied or Both	Checklist or Form Appendix Location <sup>1</sup>
1. <u>COUNTY</u>	<u>6 (+2?) COMPLETED</u>	<u>OWNER</u>	<u>APP. E, HPE</u>
2. <u>LOCAL</u>	<u>5 PROPOSED (+)</u>	<u>RENTAL</u>	<u>APP. A, FSP</u>
3. <u>COUNTY</u>	<u>20 PROPOSED</u>	<u>OWNER</u>	<u>APP. A, FSP</u>

<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Ⓢ PLUS ADDITIONAL, AS NEEDED.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age- Restricted Cap	Checklist or Form Appendix Location <sup>1</sup>
1. SOCIETY HILL II	INCL.	COMPLETED	56	0	0	ON FILE
2. PINE BROOK VILLAGE	INCL.	COMPLETED	77	77 (624)	(13 AFTER 2003)	ON FILE
3. COLONIAL VILLAGE	INCL.	COMPLETED	1	1	0	ON FILE
4. HUNTING MEADOWS	INCL.	COMPLETED	4	0	4	ON FILE
5. RENTAL BONUSES	RENTAL	COMPLETED	18 CR.	—	0	ON FILE
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
Subtotal from any additional pages used						
				4. A.		
Total units (proposed and completed)				138 (64 EXCESS)		
Total rental				78 (NOTE - 77 RENTALS CONVERTED TO		
Total age-restricted				17 (AFTER 2003)		SALES UNITS
Total very-low				0 (UNKNOWN)		AFTER 15 YRS.
Total bonuses (RENTAL)				18 (NO LONGER APPLICABLE)		PER CONVERT
Please add additional sheets as necessary.						

<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix <sup>1</sup> Location
16. EXCESS CREDITS FROM PRIORITY UNITS		COMPLETED	64	1	59	17	SU FILE
17. 151 HARVEST LANE	SPECIAL NEEDS	COMPLETED	2 BR	2	0	0	APP. D, FSP
18. 107 TERRACE PKWY.	SPECIAL NEEDS	COMPLETED	5 BR	5	0	0	APP. D, FSP
19. 73 CHAPEL HILL RD.	SUPPORTIVE	COMPLETED	3 BR	3	0	0	APP. D, FSP
20. EVANGEL. MISSION	INCLUS.	PROPOSED	21	0	0	21	APP. B, FSP
21. MOD/MARKET TO AFFORDABLE PROGRAM		PROPOSED	11	11	11	0	APP. C, FSP
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							
<b>Subtotal from any additional pages used</b>			<b>N. 4.</b>	<b>Total units (proposed and completed)</b>			
Total family units			64	Total rental units			106
Total age-restricted units			25 (4)	Total family rental units			22
Total Supportive/Special Needs units			0	Total very-low units			11
Total Special Needs bedrooms			10	Total bonuses			5
							0

Please add additional sheets as necessary.

<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

\* Includes carryover of 4 age-restricted units from prior round. Waiver sought.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

**AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)**

1. Does the municipality have an affordable housing trust fund account? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)

☒ Yes, Bank Name CAPITAL ONE BANK, N.A.

(Choose account type) ☒ Separate interest-bearing account

☐ State of New Jersey cash management fund

☐ No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed? ☒ Yes ☐ No ON FILE  
(If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? ☒ Yes ☐ No ON FILE  
(If no, petition is incomplete. Submit an updated trust fund monitoring report.)

**DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)**

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

☒ Yes,

☒ Adopted OR ☒ Proposed REVISED

☐ No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: 2/25/99 (PROPOSED NOT YET APPROVED)

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

☒ Yes, Ordinance Number. N.A. Adopted on 1 N.A. PROPOSED; NOT ADOPTED

☐ No (Skip to the next category; Payments-in-Lieu)

- If yes, is the amended ordinance included with your petition?

☒ Yes

☐ No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml)? If yes, skip to question 5.

☒ Yes ☐ No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

**Information and Documentation**

The ordinance imposes a residential development fee of 1 1/2% and a Non-residential fee of 2.5 %

- ☒ A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
- ☒ A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)
- ☒ A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)
- ☒ A description of collection procedures per N.J.A.C. 5:97-8.3(f)
- ☒ A description of development fee appeals per N.J.A.C. 5:97-8.3(g)
- ☒ A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

N.A. If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (Note: must be at least 30 percent of all development fees plus interest)?

- ☒ Yes (Specify actual or anticipated amount) \$ 30%
- ☐ No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

- If yes, what kind of assistance is offered?

RENDER AFFORDABLE UNITS AFFORDABLE AT A LOWER  
INCOME LEVEL

- Has an affordability assistance program manual been submitted? ☐ Yes ☒ No

<sup>1</sup> Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

**PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON  
SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?  
☒ Yes ☐ No (**Skip to the next category; Barrier Free Escrow**)
2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (Optional)  
☐ Yes (**attach applicable checklist**)  
☒ No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.) *TO CREATE OFF TRACT FAMILY RENTAL UNITS*
3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (Optional)  
☒ Yes (indicate ordinance section) *SEC. 28-51 AA. 10. (SEE APP. B, FSP)*  
☐ No

**BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)**

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?  
☐ Yes ☒ No
2. Does the municipality anticipate collecting any other funds for affordable housing activities?  
☐ Yes (specify funding source and amount) \_\_\_\_\_  
☒ No



### SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)  
☒ Yes      ☐ No
2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml)? If yes, skip to next section - Affordable Housing Ordinance.  
☒ Yes      ☐ No
3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

#### Information and Documentation

- ☒ A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- ☒ A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- ☒ A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- ☒ A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- ☒ A schedule for the expenditure of all affordable housing trust funds;
- ☒ A schedule for the creation or rehabilitation of housing units;
- ☒ If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- ☒ If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- ☒ The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- ☒ A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- ☒ If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

## **AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)**

1. Does the Fair Share Plan include an Affordable Housing Ordinance?  
☒ Yes      ☐ No
2. Does the ordinance follow the ordinance model available at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml) ?  
☒ Yes      ☐ No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

### **Required Information and Documentation**

- ☒ Affordability controls
- ☒ Bedroom distribution
- ☒ Low/moderate-income split and bedroom distribution
- ☒ Accessible townhouse units
- ☒ Sale and rental pricing
- ☒ Municipal Housing Liaison
- ☒ Administrative Agent
- ☒ Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

## **AFFORDABLE HOUSING ADMINISTRATION (As Applicable)**

Items that must be submitted with the petition:

- ☐ Governing body resolution designating a municipal housing liaison (COAH must approve) **ON FILE ?**

Items that must be submitted prior to COAH's grant of Substantive Certification:

- ☐ Operating manual for rehabilitation program **DRAFT INCLUDED**
  - ☐ Operating manual for affordability assistance **WILL BE SUBMITTED**
  - N.A.** ☒ Operating manual for an Accessory Apartment program **N.A.**
  - ☐ Operating manual for a Market-to-Affordable program **WILL BE SUBMITTED**
  - ☐ COAH approved administrative agent if municipal wide **RESO OF INTENT INCLUDED**
- SAME PROTECT** (arrow pointing from 'WILL BE SUBMITTED' items to 'SAME PROTECT')

Items that must be submitted prior to any time prior to marketing completed units:

- ☐ COAH approved administrative agent(s) is project specific
- ☐ Operating manual for sale units **WILL BE SUBMITTED**
- ☐ Operating manual for rental units **WILL BE SUBMITTED**
- ☒ Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15) **INCLUDED**

## CERTIFICATION

I, ELIZABETH C. MCKENZIE, have prepared this petition application for substantive certification on behalf of THE BOROUGH OF LINCOLN PARK, MORRIS CO.. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

Elizabeth C. McKenzie      12/29/08  
Signature of Preparer (affix seal if applicable)      Date

PLANNING/HOUSING CONSULTANT  
Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

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## Narrative Section

SEE HOUSING ELEMENT AND FAIR SHARE PLAN TEXT AND  
APPENDICES FOR ADDITIONAL DESCRIPTIONS AND DETAILS.

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### N.J.A.C. 5:97-4.3. Post-1986 Credits

The Borough of Lincoln Park's ("Lincoln Park") second round obligation is 74 units of low and moderate income housing. As set forth in Lincoln Park's Housing Element and Fair Share Plan, 77 units of low and moderate income housing were constructed at the Pine Brook Village development and COAH previously determined that all of the 77 units were eligible for crediting in the second round. Therefore, there are 3 remaining credits from the Pine Brook Village development that could be applied toward Lincoln Park's third round obligation.

In order for Lincoln Park to receive credit in this third round for the three excess affordable housing units at the Pine Brook Village development constructed as part of second round (which received its preliminary or final approvals on or after December 15, 1986 and before January 6, 1994), each unit must satisfy the criteria set forth in N.J.A.C. 5:97-4.3(a)1., which provides:

Affordable units that received preliminary or final approvals on or after December 15, 1986 and before June 6, 1994 shall meet the following criteria:

- i. The units were subject to controls on affordability of not less than 20 years; 10 years for municipalities that received State Aid during that period pursuant to P.L. 1978, c. 14 (N.J.S.A. 52:27D-178 et seq.);
- ii. **The development demonstrated the appropriate low/moderate income split**, bedroom distribution, and sales/rental prices in accordance with Chapter Appendix E, incorporated herein by reference; and
- iii. The units are administered and affirmatively marketed in accordance with N.J.A.C. 5:97-9 and UHAC.

(emphasis added).

N.J.A.C. 5:97-3.3, entitled "Low/Moderate income split of the fair share obligation", addresses the appropriate low/moderate income split and states that at least 50 percent of the units addressing a municipality's fair share obligation shall be affordable to low income households.

As indicated in the Housing Element and Fair Share Plan, the Pine Brook Village development if considered a singular project does not currently have a sufficient number of low income units to satisfy the low and moderate income split requirements of N.J.A.C. 5:97-

4.3(a)1. However, if the low/moderate income split of all of the developments in the second and third rounds for which Lincoln Park is seeking credit are considered together, Lincoln Park actually provides 10 more low income units than moderate income units and has exceeded the requirement that at least 50 percent of the units addressing its third round obligation be affordable to low income units. For example, the following chart lists the number of and type of units for each development for which Lincoln Park is seeking credit in this third round:

<u>Low Income Units</u>		<u>Moderate Income Units</u>	
<u>Number of Units</u>	<u>Development</u>	<u>Number of Units</u>	<u>Development</u>
4	Hunting Meadows	3	Pine Brook Village
28	Society Hill	28	Society Hill
3	73 Chapel Hill Road	1	Colonial Village
5	107 Terrace Parkway		
2	151 Harvest Lane		
<b>42 Total Low Income Units</b>		<b>32 Total Moderate Income Units</b>	

Therefore, since Lincoln Park is actually providing 10 more units of low income housing than moderate income housing in the third round if all of the affordable housing developments for which it is seeking credit in the third round are considered together, Lincoln Park requests that COAH waive the requirements of 5:97-4.3(a)1. and allow it to apply the credit for the 3 moderate income units at the Pine Brook Village development toward its third round obligations.

**N.J.A.C. 5:97-3.10. Formulas for municipalities that  
have not included a vacant land adjustment in any  
previous or pending Fair Share Plan**

Because the Borough of Lincoln Park ("Lincoln Park") has not included a vacant land adjustment in any previous or pending Fair Share Plans, N.J.A.C. 5:97-3.10(c)2. governs the manner in which Lincoln Park can utilize age-restricted units to satisfy its third round obligation. Specifically, N.J.A.C. 5:97-3.10(c)2. provides:

The age-restricted maximum for the growth share obligation shall be based on the following formula:

Age-Restricted Maximum = 25 percent (Growth Share Obligation - Transferred or Proposed RCA Units Addressing the Growth Share Obligation)

Since, as the result of P.L. 2008, c. 46, municipalities can no longer transfer RCA units to address their growth share obligations, the age-restricted maximum will solely be based upon a municipality's growth share obligation. In this case, Lincoln Park has a growth share obligation of 85 low and moderate income housing units. Therefore, pursuant to N.J.A.C. 5:97-3.10(c)2., Lincoln Park may utilize 21 age-restricted units toward the satisfaction of its third round obligation.

As set forth in Lincoln Park's Housing Element and Fair Share, Lincoln Park provided a total of 17 age-restricted units in the second round - 4 units at the Hunting Meadows development and 13 units at the Pine Brook Village development. In addition, Lincoln Park has introduced and will be adopting regulations creating a new zone which provides for the construction of a 21 unit age-restricted inclusionary development in this third round. Therefore, if the number of second round age-restricted units (17 units) and third round age-restricted units (21 units) were combined, a total of 38 age-restricted units will have been provided by Lincoln Park in both the previous round and current round.

Due to the fact that Lincoln Park provided units in excess of its second round obligation and has remaining credits that can be applied to its third round obligation, it is seeking credit in this third round for the 4 age-restricted units at the Hunting Meadows development. However, because the total number of age-restricted units being applied to the third round (25 units) exceeds the 21 unit age-restricted maximum, Lincoln Park is seeking a waiver from the formula set forth in N.J.A.C. 5:97-3.10(c)2. for the reasons set forth below.

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Lincoln Park's second round obligation is 74 units and its third round obligation is 85 units, for a total of 159 units. If the 25% maximum is calculated by combining both the second and third round obligations, a total of 40 units of age-restricted housing could be provided by Lincoln Park in the second and third rounds. Since Lincoln Park will only have provided 38 age-restricted units in those rounds, it will not exceed the 25% maximum for age-restricted housing if the second round and third round obligations are combined. To the contrary, Lincoln Park could provide 2 additional units of age-restricted housing if the second round and third round obligations are combined. Therefore, because Lincoln Park is actually providing 2 units less the maximum amount of age-restricted units that could be provided if the second round and third round obligations are combined, Lincoln Park requests that COAH waive the 25% age-restricted maximum of N.J.A.C. 5:97-3.10(c)2. and allow it to apply the credit for the 4 age-restricted units at the Hunting Meadows development toward its third round obligation.